

**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL,  
DIVISIONAL, CONTINUATION OR CIP)

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is of the following type: (check one applicable item below)

☐ original  
☐ design  
☐ supplemental

NOTE: If the declaration is for an international Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

☐ national stage of PCT

NOTE: If one of the follow 3 items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

☐ divisional  
☐ continuation  
☒ continuation-in-part (CIP)

**INVENTORSHIP IDENTIFICATION**

WARNING: If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**SPINAL IMPLANT FIXATION ASSEMBLY**

**SPECIFICATION IDENTIFICATION**

the specification of which: (complete (a), (b) or (c))

(a) ☒ is attached hereto.  
(b) ☐ was filed on \_\_\_\_\_ as \_\_\_\_\_ Serial No. 08/\_\_\_\_\_ or \_\_\_\_\_ Express Mail No., as Serial No. not yet known \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

NOTE: Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.

(c) \_\_\_\_\_ was described and claimed in PCT International Application No. \_\_\_\_\_  
\_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_  
\_\_\_\_\_ (if any).

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations. § 1.56(a).

\_\_\_\_\_ In compliance with this duty there is attached an information disclosure statement 37 CFR 1.97.

### PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

(complete (d) or (e))

(d) X no such applications have been filed.

(e) \_\_\_\_\_ such applications have been filed as follows

NOTE: Where item (c) is entered above and the International Application which designated the U.S. claimed priority check item (e), enter the details below and make the priority claim.

#### EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIM UNDER 35 USC 119
US	08/734,520	18.10.96	<u>X</u> YES _____ NO
			_____ YES _____ NO
			_____ YES _____ NO
			_____ YES _____ NO
			_____ YES _____ NO

#### ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

POWER OF ATTORNEY

As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Kenneth I. Kohn Reg. No. 30,955  
Ilene N. Montgomery Reg. No. 38,972

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:  
(NAME AND TELEPHONE NUMBER)

Kenneth I. Kohn  
Kohn & Associates  
30500 Northwestern Hwy  
Suite 410  
Farmington Hills, MI 48334

Kenneth I. Kohn  
(810) 539-5050

248

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE (S)

Full name of sole or first inventor Marc Richelsoph

Inventor's signature *Marc Richelsoph*

Date 4/8/97 Country of Citizenship U.S.A.

Residence Memphis, Tennessee

Post Office Address 9394 Alex Dickson Cove  
Memphis, Tennessee 38133

Full name of second joint inventor, if any \_\_\_\_\_

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_ Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

Station	Time	Temperature	Direction	Force	Remarks
1	0800	20.0	SE	1.5	Light breeze
2	0900	21.0	SE	2.0	Breeze freshens
3	1000	22.0	SE	2.5	Clouds increase
4	1100	23.0	SE	3.0	Thunder begins
5	1200	24.0	SE	3.5	Heavy rain
6	1300	25.0	SE	4.0	Thunder continues
7	1400	26.0	SE	4.5	Thunder ceases
8	1500	27.0	SE	5.0	Clearing
9	1600	28.0	SE	5.5	Light breeze
10	1700	29.0	SE	6.0	Thunder begins
11	1800	30.0	SE	6.5	Heavy rain
12	1900	31.0	SE	7.0	Thunder continues
13	2000	32.0	SE	7.5	Thunder ceases
14	2100	33.0	SE	8.0	Clearing
15	2200	34.0	SE	8.5	Light breeze
16	2300	35.0	SE	9.0	Thunder begins
17	0000	36.0	SE	9.5	Heavy rain
18	0100	37.0	SE	10.0	Thunder continues
19	0200	38.0	SE	10.5	Thunder ceases
20	0300	39.0	SE	11.0	Clearing
21	0400	40.0	SE	11.5	Light breeze
22	0500	41.0	SE	12.0	Thunder begins
23	0600	42.0	SE	12.5	Heavy rain
24	0700	43.0	SE	13.0	Thunder continues

\* \* \*

\* \* \*

\* \* \*

           This declaration ends with this page.

PATENT

Attorney's Docket Number: 0184.00005Applicant or Patentee: Marc Richelsoph

Serial or Patent No: \_\_\_\_\_

Filed or Issued: April 1, 1997For: SPINAL IMPLANT FIXATION ASSEMBLYVERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(d))--SMALL BUSINESS CONCERN

I hereby declare that I am:

\_\_\_\_\_ the owner of the small business concern identified below:

☒ an official of the small business concern empowered to act on  
behalf of the concern identified below:Name of Concern: Spinal InnovationsAddress of Concern: 9027 Summer Grove Cove  
Cordova, TN 38018

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement: (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled:

SPINAL IMPLANT FIXATION ASSEMBLYBy Inventor(s): Marc Richelsoph  
Described in:

\_\_\_\_\_ the specification filed herewith.

☒ application serial no. \_\_\_\_\_, filed April 1, 1997.

\_\_\_\_\_ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

\* NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

☐ Individual ☐ Small Business ☐ Nonprofit Organization

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

☐ Individual ☐ Small Business ☐ Nonprofit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28(b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Marc Richelsoph  
Title in Organization: Vice President for Research & Development  
SPINAL INNOVATIONS  
Address of Person Signing: 9027 Summer Grove Cove  
Cordova, TN 38018

SIGNATURE: *Marc Richelsoph*

Date: 8/12/97

(Small Entity-Small Business (Form 7-4)--Page 2 of 2)

FORM 7-4

## ASSIGNMENT

For the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, I, Marc Richelsoph, of Memphis, TN 38133, do hereby assign, sell and set over to the Spinal Innovations a corporation organized and existing under the laws of the State of Tennessee and having a place of business in Cordova, Tennessee 38018 hereinafter referred to as the ASSIGNEE, its successors, assigns or other legal representatives, the entire right, title and interest, domestic and foreign, in and to the inventions and discoveries in

## SPINAL IMPLANT FIXATION ASSEMBLY

set forth in the application for United States Letters Patent designated as 0184.00005 at the office of Kohn & Associates, executed on the 12 day of August, 1997, including the right of said ASSIGNEE, its successors, assigns or other legal representatives to make applications and to receive Letters Patent for said inventions and discoveries in any and all foreign countries in its or their own name or names or in my name, at its or their election, and I hereby assign, sell and set over to said ASSIGNEE, its successors, assigns, or other legal representatives, all rights of priority in and to said inventions and discoveries in all countries.

And I hereby agree for myself, my heirs, successors, assigns or other legal representatives to execute any and all papers, including applications for Letters Patent of any and all kinds and in any and all countries, and to perform any and all acts which said ASSIGNEE, its successors, assigns or other legal representatives may deem necessary to secure thereto the rights herein assigned, sold and set over.

And I hereby represent and warrant that I have not granted any rights inconsistent with the rights granted herein.

*Marc Richelsoph*  
Marc Richelsoph

STATE OF TENNESSEE )  
 )ss.  
COUNTY OF )

On this 12<sup>th</sup> day of August, 1997, personally appeared before me, Marc Richelsoph to me known to be the person named in and who executed the above instrument, and acknowledged that he executed the same for the uses and purposes therein mentioned.

*Rolien W. Gaudin*  
Notary Public

My Commissioner expires:

MY COMMISSION EXPIRES JULY 25, 2000